

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 19-20269

v.

Hon. George Caram Steeh

DORAL M. THOMPSON,

Defendant.

/

ORDER DENYING REQUEST FOR
HOME CONFINEMENT (ECF NO. 21)

Defendant Doral Thompson requests that the court release him to home confinement, due do pandemic conditions at his facility. Although the court appreciates Thompson's concerns and encourages him to continue his efforts at rehabilitation, the court lacks authority to transfer him to home confinement.

Thompson was sentenced to 85 months of incarceration on February 14, 2020, and his anticipated release date is April 25, 2025. In response to the COVID-19 pandemic, the Bureau of Prisons ("BOP") has been

evaluating prisoners nationwide in order to determine which inmates face the most risk from COVID-19, pose the least danger to public safety, and can safely be granted home confinement.¹ This effort is consistent with the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, 516 § 12003(b)(2), 134 Stat. 281 (2020), which provides that “if the Attorney General finds that emergency conditions will materially affect the functioning of the BOP, the Director of the Bureau may lengthen the maximum amount of time for which the Director is authorized to place a prisoner in home confinement.” *Id.* The CARES Act does not alter the statutory directive that the BOP has the sole authority to determine a prisoner’s place of incarceration. 18 U.S.C. § 3621(b). The BOP’s decision in this regard “is not reviewable by any court.” 18 U.S.C. § 3621(b). See *United States v. Mitchell*, 472 F. Supp.3d 403, 410 (E.D. Mich. 2020) (“The CARES Act does not authorize courts to transfer a prisoner to home confinement for the remainder of his sentence.”).

Because the court lacks the authority to determine a prisoner’s place of incarceration, Thompson’s request for home confinement must be

¹ See Attorney General’s Directives to BOP, available at <https://www.bop.gov/coronavirus/faq.jsp>.

directed to the BOP. Therefore, IT IS HEREBY ORDERED that Thompson's request for home confinement (ECF No. 21) is DENIED.

Dated: February 15, 2022

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 15, 2022, by electronic and/or ordinary mail and also on Doral M. Thompson #57460-039, FCI Gilmer, Federal Correctional Institution, P.O. Box 6000, Glenville, WV 26351.

s/Brianna Sauve
Deputy Clerk